

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	
v.)	No. 4:05-cr-015
)	<i>Judge Edgar</i>
JERRY GLENN GREEN)	
)	

MEMORANDUM AND ORDER

Before the court is defendant's second motion (Court Doc. 79) for release from custody pending sentencing. Defendant now unequivocally acknowledges this court's jurisdiction and his obligation to comply with the conditions of any bond that this court might enter insuring the defendant's appearance in court. Under ordinary circumstances this court would consider releasing the defendant on bond pending his sentencing on July 24, 2006. However, the court is prevented from doing so by the provisions of 18 U.S.C. § 3143. Since defendant has been convicted of a "crime of violence," he cannot be released on an appearance bond unless

(A) (i) the judicial officer finds there is a substantial likelihood that a motion for acquittal or new trial will be granted; or

(ii) an attorney for the Government has recommended that no sentence of imprisonment be imposed on the person; and

(B) the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community.

(Emphasis supplied).

It is evident that defendant cannot meet the above criteria. Hence, his second motion for release from custody is **DENIED**.

SO ORDERED.

ENTER this *12th day of April, 2006*.

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE